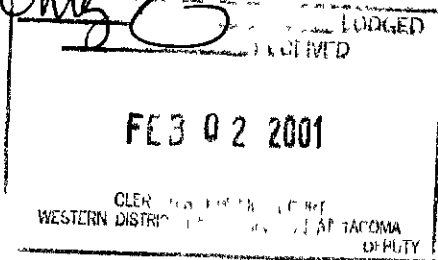


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U.S. DISTRICT COURT
GENERAL
COUNSEL DIVISION

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KATHLEEN M. HOUSE,

Plaintiff,

vs.

THE STATE OF WASHINGTON;
and THE WASHINGTON STATE
DEPARTMENT OF FISH AND
WILDLIFE,

Defendants

No CV98-5262FDB

PLAINTIFFS RESPONSE TO
ORDER TO SHOW CAUSE WHY
PLAINTIFF SHOULD NOT
PROCEED PRO SE

COMES NOW the plaintiff, Kathleen House, and submits the following statement
in response to the Order to Show Cause Why Plaintiff Should Not Proceed Pro Se.

1 The appointment of inexperienced counsel was incorrect in a complex civil rights
case Ms Valier's arguments as to the complexity and duration of the current case and her
own inexperience are not relevant over a year after appointment was granted. Consideration
of these factors should have been made by Ms Valier prior to her accepting appointment in
evaluating her own ability to represent a potential client. Ms. Valier knew nothing of either
the current case or the related discrimination case at the time she accepted appointment. Ms.
PLAINTIFFS RESPONSE TO

SHOW CAUSE ORDER

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KATHLEEN HOUSE, PRO SE



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1 Valier's motion is addressed to a judge not presiding in the case and incorrectly names the
2 defendants in the current case. Her inexperience and failure to review a case prior to
3 accepting appointment should not bar plaintiff from good faith appointment of counsel under
4 USC 2000(e)-5(f)(1).
5

6
7 2 The appointment by the Screening Committee of an employer's defense attorney,
8 whose only other trial experience has been personal injury, by the Screening Committee was
9 incorrect. Appointed counsel has shown no interest in the merits of plaintiff's case, in
10 plaintiff's own desperate financial and personal circumstances resulting from defendant's illegal
11 acts, and in the statutory rights of employees as set forth in Title VII of the Civil Rights Act of
12 1964, as amended
13

14
15 3. Appointment of an attorney who resides more than 50 miles from the pro se party
16 was incorrect. Rule 4, subparagraph (d) states that "Except under unusual circumstances, the
17 Screening Committee shall not select an attorney who resides more than 50 miles from the pro
18 se party. An attorney may, however, consent to an appointment of [sic] behalf of a pro se
19 party who resides more than 50 miles from the attorney." Ms. Valier's office is in Seattle
20 Plaintiff resides in Olympia. Plaintiff's only recourse in complying with Ms. Valier's
21 requirement for confidential and irreplaceable documents in plaintiff's possession, as plaintiff
22 had no money and no means of either traveling to Seattle or of safely sending the documents
23 to Ms. Valier, was to accept Ms. Valier's offer to come to Olympia. Ms. Valier's own motion
24
25
26 PLAINIFF'S RESPONSE TO
27 SHOW CAUSE ORDER

1 shows that she considered this an extraordinary accommodation. Ms. Valier disregarded
2 plaintiff's preference that Ms. Valier return the documents by certified mail and instead
3 requested that they be returned by a paralegal in Ms. Valier's office who was traveling to
4 Olympia on other business. Plaintiff agreed to be, and was, at home on the evening before a
5 national holiday, both at the time the paralegal arrived and at the time specified by Ms. Valier.
6 Plaintiff received the documents from the paralegal on the date specified by Ms. Valier. Ms.
7 Valier's and Ms. Watanabe's misconstruction of events occurring at plaintiff's private residence
8 at the time of Ms. Watanabe's arrival shows that this accommodation on the part of the
9 plaintiff was unsatisfactory to Ms. Valier.

10
11
12
13 4 Appointed counsel's motion is factually incorrect and not relevant to the issue of
14 good faith appointment of counsel for a civil rights plaintiff under USC 2000(e)-5(f)(1). The
15 motion attempts to bias the court against plaintiff in order that Ms. Valier's firm be relieved
16 from the requirements of the rules under which she was appointed, the Plan of the United
17 States District Court for the Western District of Washington at Seattle for the Representation
18 of Pro Se Litigants in Civil Rights Actions (As Amended, Effective 3/16/90), specifically Rule
19 2(a,b,e) and Rule 4(a), Relief from Appointment of the Rules Governing Pro Bono Panel
20 Ms. Valier's motion in this respect misrepresents her client's legitimate concerns over her
21 counsel's failure to act in this case in the course of seven months as personal animosity.

22 Plaintiff has no access to the affidavit submitted under seal to Judge Bryan by Ms. Valier.

23 PLAINTIFF'S RESPONSE TO

24 SHOW CAUSE ORDER

25 -3-

26 KATHLEEN HOUSE, PRO SE

1 Plaintiff submits under seal an affidavit of the facts of her interactions with Ms. Valier and
2 with the firm of Miller/Nash to Judge Burgess
3

4 5. Appointed counsel did not advise plaintiff that she was physically unable to
5 represent plaintiff. Plaintiff's first knowledge of this claim was Ms. Valier's Motion for Relief
6 from Appointment. Ms. Valier's failure to notify plaintiff that she consider herself physically
7 unable to represent plaintiff was ethically unjustifiable. Her late notice to the Court of such a
8 claim should not bar plaintiff from good faith appointment of counsel under USC
9
10 2000(e)-5(f)(1).
11

12 6. Plaintiff did not believe that an unguided attempt to respond to Ms. Valier's motion
13 would be considered by the Court and did not therefore file a response to Ms. Valier's motion
14
15 Plaintiff is a layperson and has no access to the Screening Committee, no access to knowledge
16 of composition of the Pro Bono Panel and no access to the reasons selection of Ms. Valier
17 was made in her case. Plaintiff's first knowledge of the Rules Governing Appointment of
18 Counsel was from the order granting such appointment, entered three months after plaintiff's
19 motion was filed. Plaintiff was able to obtain a copy of the Rules governing appointment of
20 counsel only after considerable difficulty. The Rules Governing Appointment of Counsel
21 contain nothing to guide a layperson in responding to such a motion. Plaintiff's own attempt
22 to request appointment of another attorney in accordance with these rules, submitted on
23
24 October 10th, 2000, produced no response from the Court.
25

26 PLAINTIFF'S RESPONSE TO

27 SHOW CAUSE ORDER

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KATHLEEN HOUSE, PRO SE

28

1 7 Plaintiff had no time to conduct research to determine the correct form of a
2 response and to determine her own risk of involuntarily waiving attorney-client privilege in
3 responding to Ms. Valer's motion during the period from December 27th, 2000, to January
4 12th, 2001. Because plaintiff has been barred from the computer profession in which she was
5 employed for twenty years, she is currently working at minimum wage in manual labor.
6
7 Plaintiff was scheduled to work two six day weeks, including Christmas and New Year's day,
8 and to come in on two of her regularly scheduled days off in the period between December
9 24th, 2000 and January 6th, 2001. She missed one regularly scheduled work day due to
10 illness, but did work a total of one hundred and nine hours for that time period. Plaintiff was
11 unable to leave her house due to illness for four days, including both her regularly scheduled
12 days off, in the period between January 7th, 2001, and January 12th, 2001, and was at work
13 during the remainder of that period.

14
15
16
17 8 Plaintiff's Motion for Appointment of Counsel, filed on October 5th, 1999 and
18 noted for October 22nd, 1999 set forth in detail the reasons counsel should be appointed for
19 plaintiff in the current case. That motion was granted on January 26th, 2000. No event in the
20 intervening year has occurred to reverse the decision in the Order granting appointment of
21 counsel. Ms. Valer's failure to review a case before accepting appointment, her failure to
22 represent her client after accepting appointment, and her failure to prosecute the case are not
23 sufficient reason to reverse the order for appointment of counsel made over a year ago.

24 PLAINTIFF'S RESPONSE TO

25 SHOW CAUSE ORDER

26 -5-

27 KATHLEEN HOUSE, PRO SE

1 Plaintiff submits the arguments made in her Motion for Appointment of Counsel filed on
 2 October 5th, 1999 and the Court's Order for appointment of counsel granted on January 26th,
 3 2000, in response to the Order to Show Cause Why Plaintiff Should Not Proceed Pro Se
 4

5
 6 For these reasons, plaintiff submits that she should be appointed counsel in good faith
 7 in accordance with the Plan of the United States District Court for the Western District of
 8 Washington at Seattle for the Representation of Pro Se Litigants in Civil Rights Actions (As
 9 Amended, Effective 3/16/90) and with the provisions for appointment of counsel in civil rights
 10 actions under USC 2000(e)-5(f)(1).
 11

12
 13 Dated. February 1st, 2001

14 

15 Kathleen M. House
 16 Plaintiff Pro Se

17
 18 Statement of Service

19 I certify that I have served a copy of the attached
 20 Response to Show Cause Order
 21 on defendant's attorney by leaving same at defendant's
 22 office or by mailing same via first-class mail to
 23 905 Plum Street, SE, Building 3, Olympia,
 24 Washington on February 1st, 2001

25 
 26 Kathleen M. House

27 PLAINTIFF'S RESPONSE TO
 28 SHOW CAUSE ORDER